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BellSouth Telecommunications, Inc.

333 Commerce Street

Suite 2101

Nashville, TN 37201-3300

joelle.phillips@bellsouth.com

Joelle J. Phillips  
Attorney

615 214 6311

Fax 615 214 7406

TRA DOCKET ROOM  
November 6, 2003

VIA HAND DELIVERY

Hon. Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Petition for Expedited Review of Growth Code Denial by the Number  
Pooling Administrator Relating to Dana Corporation*  
Docket No. 03-00591

Dear Chairman Tate:

Enclosed are the original and fourteen copies of BellSouth's *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to Dana Corporation*. A copy of the enclosed is being provided to the Number Pooling Administrator.

Cordially,

Joelle Phillips

JJP:ch

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

In Re:       *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to Dana Corporation*

Docket No. \_\_\_\_\_

**PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to rules adopted by the FCC for challenging determinations of the Number Pooling Administrator ("NeuStar"), petitions the Tennessee Regulatory Authority (the "Authority") for an expedited review of NeuStar's denial of BellSouth's application for use of central office code numbering resources in the 731 area code.

BellSouth respectfully shows the Authority as follows:

1. BellSouth is a telecommunications public utility regulated by the Authority providing intraLATA, local exchange telecommunications services in the McKenzie Rate Center.
2. NeuStar is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan ("NANP"). See C.F.R. § 52.13(a), (b).
3. On March 31, 2000, the Federal Communications Commission issued a Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization ("FCC 00-104" or the "March Order"). On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket

No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 ("FCC 00-429" or the "December Order"). These FCC orders addressed issues and strategies relating to the efficient use of numbering resources.

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the NANP.

5. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant's rate center will be exhausted within six months of the application. Prior to this ruling, the Central Office Code Assignment Guidelines, used by the industry and NeuStar to make code assignments, required the applicant's existing number inventory within the applicant's serving switch to exhaust within six months of the code application in order for a code to be assigned.

6. This shift to a "rate center" basis for determining the need for new numbering resources was intended to "more accurately reflect how numbering resources are assigned" and to allow "carriers to obtain numbering resources in response to specific customer demands." FCC Order ¶105. BellSouth has sought reconsideration of the above-described MTE rule before the FCC on two separate occasions. On December 28, 2001, the FCC entered an order retaining the rules requiring carriers to calculate MTE on a rate center basis rather than on a per-switch

basis. *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*, CC Docket Nos. 99-200, 96-98 and 95-116, *Third Report and Order* and *Second Order on Reconsideration* in CC Docket No. 99-200, FCC 01-362, Paragraph 48 (rel. Dec. 28, 2001).

7. On or about September 26, 2003, BellSouth submitted a Central Office Code (NXX) Assignment Request - Part 1, and the CO Code Assignment - Months to Exhaust Certification Worksheet, to NeuStar to be assigned an NXX code necessary to meet the demands of its customer, Dana Corporation. The request and worksheet are attached hereto as Exhibits "A" and "B" respectively.

8. The code assignment request was for a growth code in the 731 NPA in response to Dana Corporation's request for 100 numbers. Dana Corporation cited a need for specific Direct Inward Dial ("DID") numbers as its basis for this request. However, BellSouth did not have sufficient number resources available within its inventory in the McKenzie Rate Center, and, accordingly, BellSouth was unable to provide Dana Corporation with sufficient numbers to meet its needs. For this reason, BellSouth sought the numbering resources as noted above.

9. BellSouth completed the applications in accordance with NeuStar's Central Office Code (NXX) Assignment Guidelines and completed the necessary Months to Exhaust Certification Worksheet required by NeuStar.

10. At the time of the code request, the McKenzie rate center had an MTE of approximately 30 months.

11. Despite the fact that BellSouth's McKenzie rate center may not exhaust for 30 months, BellSouth is unable to provide the requested service through its switch that

serves Dana Corporation within the McKenzie rate center. This is because the individual switch that serves this customer within the McKenzie rate center does not have sufficient number resources to meet the customer's request.

12. On or about October 9, 2003 NeuStar's Central Office Code Administration denied the code assignment request on the grounds that BellSouth had not met the rate center based months-to-exhaust criteria now set forth in the Central Office Code (NXX) Guidelines, notwithstanding the fact that BellSouth does not have the numbering resources needed to satisfy its customers' demands in the switch at issue. That decision is attached hereto as Exhibit "C."

13. BellSouth's inability to provide this large business customer with the requested numbers within the same NXX prevents BellSouth from providing the quality of service this customer desires and expects. (Correspondence from Dana Corporation is attached as Exhibit "D").

14. Relief for the NPA was implemented with the start of thousand-block pooling for the 731 NPA on September 15, 2003. According to NeuStar, based on the 2003 NRUF and NPA Exhaust Analysis - June 2, 200, the projected exhaust date of the 731 NPA is the First Quarter of 2016. Therefore, granting BellSouth's request for numbering resources would not materially impact exhaustion of available numbers in the McKenzie NPA.

15. Both FCC 00-104 and NeuStar's Central Office Code (NXX) Guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. See FCC 00-104, Appendix A, Final Rules, § 52.15(g) (3) (iv) ("The carrier may challenge the NeuStar's decision to the appropriate state regulatory commission"); NeuStar Central Office Code

(NXX) Guidelines § 13.0 ("Appeals may include but are not limited to one or more of the following options: . . . C. The CO Code Administrator(s) and code holders/applicants may pursue the disagreement with the appropriate governmental/regulatory body").

16. The TRA has recognized its jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs. The TRA has, for example, ordered NeuStar to provide BellSouth with numbering resources to meet the service requirements of the University of Tennessee, even though BellSouth had been unable to satisfy the required months-to-exhaust criteria. *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to University of Tennessee - Chattanooga* (approved by the Directors on November 20, 2001 by a vote of 3-0) (see correspondence from TRA Executive Secretary, dated November 29, 2001, attached as Exhibit "E").

17. Similarly, state regulatory agencies in both North Carolina and Florida also have recognized their jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs. The North Carolina Utilities Commission has ordered NeuStar to provide BellSouth numbering resources needed to meet the service requirements of Guilford County Government and Corning, Inc., even though BellSouth had been unable to satisfy the required months-to-exhaust criteria. See *In the Matter of Petition of BellSouth Telecommunications, Inc. for Review of NeuStar Denial of Application for Numbering Resources*, Docket No. P-55, Sub 1268, Order Ruling on the BellSouth Petition (attached as Exhibit "F"). Similarly, on May 1, 2001, the Florida Public Service Commission voted to accept the recommendation of its staff that NeuStar should be ordered to release numbering resources to BellSouth in order to enable BellSouth to meet the needs of a customer

requesting 2500 numbers, even though BellSouth could not satisfy the months-to-exhaust criteria. See Staff Recommendation Re: Docket No. 010309-TL – *Petition by BellSouth Telecommunications, Inc. for an Expedited Review of the NeuStar Denial of a Central Office Code for the Orlando Magnolia Switch* (attached as Exhibit "G").

18. In reviewing previous petitions of this type, the TRA Staff has requested that BellSouth provide additional information concerning number utilization for the specific central office involved in the request. This information for the McKenzie Central Office is attached hereto as Exhibit "H."

19. The Authority, and not the FCC, is the most appropriate body to address this appeal. As noted above, the Authority has been granted jurisdiction to hear appeals from NeuStar's decisions regarding numbering resources. Any jurisdiction of the FCC to do the same is merely concurrent with the jurisdiction of the Authority. BellSouth believes that the Authority can more quickly address the numbering problem facing Dana Corporation and BellSouth, and, because time is of the essence to the customer, BellSouth believes it is appropriate to pursue this matter in the forum that can most quickly address the issue.

20. Under earlier months-to-exhaust procedures used by NeuStar, waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, NeuStar looks at the number of months-to-exhaust for the entire rate center without any exceptions. The current process for review is arbitrary and results in decisions contrary to the public interest and decisions that do not necessarily preserve the efficient use of telephone numbers or postpone dates of exhaust. Moreover, the denial of sufficient

numbering resources to BellSouth to meet Dana Corporation's request is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at ¶ 61. By refusing to grant numbering resources sufficient to meet Dana Corporation needs, the NeuStar is preventing Dana Corporation from obtaining the service of its choice from its carrier of choice, BellSouth.

21. Notwithstanding customer need for a specific numbering arrangement, BellSouth's analysis indicates that BellSouth will be unable to meet the six-months-to-exhaust threshold at the rate center level in time to obtain adequate numbering resources to serve this customer absent relief from the Authority. This situation will result in BellSouth's inability to respond to its customer's needs for specific numbering resources.

### **CONCLUSION**

For the reasons articulated above, BellSouth respectfully urges the Authority to direct the NeuStar to provide the requested numbers to BellSouth to enable BellSouth to meet the specific requirements of Dana Corporation in order that Dana Corporation may receive the service of its choice from the provider of its choice to meet its telecommunications needs.

WHEREFORE, BellSouth requests:

1. The Authority review the decision of the NeuStar to deny BellSouth's request for additional numbering resources; and



2. The Authority direct the NeuStar to provide numbers to BellSouth to meet the specific requirements of Dana Corporation in the McKenzie rate center within the 731 NPA.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.



Guy M. Hicks  
Joelle Phillips  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6311

CAS: Part 1 Form Central Office Code (NXX) Assignment Request - Part1  
Revised September 24, 2001

Code Request Tracking Number: 731-185870

Type of Application: New  
Change/Delete

1.0 General Information:

1.1 Contact Information:

Code Applicant:

Company/Entity Name: BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL

Headquarters Address: 675 W. PEACHTREE ST. NE

City, State, Zip: ATLANTA GA 30375

Contact Name: AIDA ARMESTO

Contact Address: 600 NW 79 AVE. 336

City, State, Zip: MIAMI FL 33126

Phone: 305-260-8205 FAX: 305-264-2918 E-Mail:

aida.armesto@bellsouth.com

Code Administrator: 2

Name: Terah Adger

Address: 1800 Sutter Street

City, State, Zip: Concord CA 94520

Phone: 9253638705 Fax: 9253638714

1.2: NPA: 731 NXX: 3 LATA: 468 OCN: 4 9419

Parent Company's OCN(s): 9400

Switching Identification (Switching Entity/POI): 5 MCKNTNMARS0

Locality/City/Wire Center: MCKENZIE Rate Center: 6 MCKENZIE

Homing Tandem Operating Co.: 7 BST Tandem Homing CLLI: TM 8

JCSNTNMA84T

Additional Information:

1.3 Dates: Date of Application: September 26, 2003 Requested

Effective Date: 9, 10 December 1, 2003

1.4 Type of company/entity requesting the code: a) RBOC (LEC, IC,  
CMRS, Other)

b) Type of Service: Wireline (e.g., Cellular - Type 2)

c) Code Assignment Preference (Optional)

d) Codes that are undesirable, if any 999,666,800

e) Type of Change:

1.5 Type of Request (Initial, Growth, etc.): Growth If an initial  
code, attach (1) evidence of certification and (2) proof of ability to  
place code in service within 60 days.

If a growth code, attach months to exhaust worksheet.

Pool Indicator: 11 No

1.6 NPA Jeopardy Criteria Apply: Yes: No: X

1.7 Code Request for new service (Explain):

1.8 Part 2 is attached Part 2 is not attached Yes for

BIRRD512,13

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application<sup>14</sup>:

AIDA ARMESTO

CODE ADMINISTRATOR

September 26, 2003

Signature of Code Applicant<sup>15</sup>      Title      Date

1. Identify type and reason for change(s) in Section 1.4(e).
2. A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.
3. The NXX field is required for any code request in which there is a change or the NXX is being returned.
4. Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments may contact NECA (973-884-8355) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the Telcordia<sup>TM</sup> Routing Administration (TRA) on 732-699-6700.
5. This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character Telcordia<sup>TM</sup> COMMON LANGUAGE<sup>®</sup> CLLI<sup>TM</sup> Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc.)
6. Rate Center name must be a tariffed Rate Center associated with toll billing.
7. Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.
8. This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI<sup>TM</sup> Location Identification Code of the switching entity/POI, and is the same on Part 2, Form 1, Page 2 of 2.
9. Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines.
10. Requests for code assignment should not be made more than six months prior to the requested effective date.
11. The Pool Administrator will indicate if the NXX being requested will be used for thousands-block number pooling.
12. Applicant is not required to submit Part 2 of the code request form if it is doing its own Telcordia<sup>TM</sup> Business Integrate Routing and Rating Database System (BIRRDs) entries, or if the applicant has arranged for a third party to input the Part 2 forms data on its behalf.
13. WARNING! It is the code applicant's responsibility to arrange input of Part 2 information into BIRRDs. The 45 calendar day nationwide minimum interval cut-over for BIRRDs will not begin until input into BIRRDs has been completed.
14. An incomplete form may result in delays in processing this request.
15. To establish a signature on file see Section 6.1.1.

CAS: MTE Form CO Code Assignment

Months To Exhaust Certification Worksheet - TN Level1

(Worksheet to be used for Requests for Additional Codes for Growth)

Code Request Tracking Number: 731-185870

Date: September 26, 2003

Company Name:

BELLSOUTH TELECOMM INC

DBA SOUTH CENTRAL BELL TEL

Rate Center: MCKENZIE

Total Number of NXXs: 1

Signature of Authorized Representative of Code Applicant: Aida Armesto

Title: Code Administrator Telephone No.: 305-260-8205 FAX  
 No.: 305-264-2918

A. Telephone Numbers (TNs) Available For Assignment (See Glossary3):  
 2,465

B. Previous 6-month growth history4:

<u>Mth#1</u>	<u>Mth#2</u>	<u>Mth#3</u>	<u>Mth#4</u>	<u>Mth#5</u>	<u>Mth#6</u>
102	43	21	77	58	40

C. Forecast - Next months 1-12:

<u>Mth#1</u>	<u>Mth#2</u>	<u>Mth#3</u>	<u>Mth#4</u>	<u>Mth#5</u>	<u>Mth#6</u>
57	60	163	66	70	74
<u>Mth#7</u>	<u>Mth#8</u>	<u>Mth#9</u>	<u>Mth#10</u>	<u>Mth#11</u>	<u>Mth#12</u>
0	0	0	0	0	0

D. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6):  
 81.667

E. Months to Exhaust6=  $\frac{\text{Telephone Numbers (TNs) Available for Assignment (A)}}{\text{Average Monthly Forecast (D)}}$

= 30.184

F. Utilization Level=  $\frac{\text{Telephone Numbers (TNs) Assigned}}{\text{Numbering Resources in Applicant's Inventory X 100}}$

= 63.0 %

Explanation:

- 1 A copy of this worksheet is required to be submitted to the Code Administrator; for audit purposes, it must be in the applicant's files.
- 2 Report on all resources for the requested geographic area, including newly acquired codes.
- 3 Definitions of terms may be found in the Glossary section of the Central Office Code (NXX) Assignment Guidelines.
- 4 Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
- 5 Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
- 6 To be assigned an additional CO Code (NXX) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g) (3) (iii)).
- 7 Newly acquired numbers (see glossary) may be excluded from the utilization calculation (FCC 00-104, § 52.15 (g) (3) (ii)).

**From:** terah.adger@NeuStar.com [mailto:terah.adger@NeuStar.com]  
**Sent:** Thursday, October 09, 2003 4:55 PM  
**To:** Armesto, Aida  
**Cc:** randy.hudson@om1.al.bst.bls.com; marta.a.antelo@om1.al.bst.bls.com;  
rena.wilkie@om1.al.bst.bls.com; terah.adger@NeuStar.com; part3@NeuStar.com  
**Subject:** Part 3 Response for Tracking #: 731-185870

**Central Office Code (NXX) Assignment Request - Part3**  
**Effective May 18, 1998**

**Code Request Tracking Number:** 731-185870

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**Administrator's Response/Confirmation**

Date of Application: September 26, 2003 Date of Receipt: September 26, 2003  
Date of Response: October 9, 2003 Effective Date: \_\_\_\_\_  
Company/Entity Name: BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL  
BELL TEL

**Code Administrator Contact Information:**

Terah Adger Phone: 9253638705  
Signature of Code Administrator  
Terah Adger Fax: 9253638714  
Name (print)

x NPA: 731 Code Assigned: \_\_\_\_\_ Date of NXX Code  
Assignment: \_\_\_\_\_

- a. Switch Identification (Switching Entity/POI): MCKNTNMARS0 Rate Center:  
MCKENZIE
- b. The Code Administrator is \_\_\_\_, is not X responsible for inputting Part 2  
information into RDBS and BRIDS.
- c. Routing and Rating information complete: Yes \_\_ No X  
Additional RDBS and BRIDS information necessary as follows:  
No
- d. To be published in the LERG and TMP by \_\_\_\_\_  
Additional RDBS and BRIDS information needs to be received by the code  
administrator no later than \_\_\_\_\_

\_\_\_\_\_ Code Reserved: \_\_\_\_\_ Date of Reservation: \_\_\_\_\_  
Your code will be honored until \_\_\_\_\_  
Switch Identification (Switching Entity / POI): \_\_\_\_\_

\_\_\_\_\_ **Form incomplete**

Additional information required in the following section(s):  
\_\_\_\_\_

x   **Form complete, code request  
denied**

Explanation:   #1- Months to exhaust exceeds 6.0 months (30.184 REPORTED)  
  #2- 70% Utilization Level not met (63% REPORTED)  

       **Assignment activity suspended by  
the administrator**

Explanation:       

Further Action:       

  x   **NPA in jeopardy: Yes    No   X**

If yes, refer to Section 7 of the assignment guidelines.

Change/Disconnect List:   

Remarks:

  DR:11 According to the Central Office Code Assignment Guidelines, Section 4.2.1, code holders requesting growth codes must demonstrate that existing codes within the rate center will exhaust within 6.0 months. In addition, DR:22 According to the FCC 2nd Report and Order (FCC 00-429) effective June 30, 2003, in order to receive additional numbering resources, the MTE form you submit must meet the 70% utilization level. If you are in disagreement with the disposition of this code request, please refer to the Central Office Code (NXX) Assignment Guidelines for the appeals process. OCN 9419



David Rizzetta,

Please process this request for specific DID number blocks with local exchanges for our company in the following locations.

Paris, TN. Main Number – 731-642-5582, Requested Block 1000 - 1999.

Fulton, KY. Main Number – 270-472-0799, Requested Block 2000 - 2099.

McKenzie, TN. Main Number – 731-352-7941, Requested Block 2100 - 2199.

Thank you,

A handwritten signature in cursive script that reads "Mike D. Throgmorton".

Mike Throgmorton  
Telecom. Supervisor  
Dana Corp , Sealing Products Division  
100 Plumley Drive  
Paris, TN 38242  
731-642-5582 Ext. 218

*People Finding A Better Way*

PLUMLEY DIVISION DANA CORPORATION  
100 Plumley Drive, Paris Tennessee 38242 TEL (731)642-5582, FAX (731)642-6872

# TENNESSEE REGULATORY AUTHORITY



Sara Kyle, Chairman  
Lynn Greer, Director  
Malvin Malone, Director

460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

November 29, 2001

Ms. Cheryl Dixon  
Senior Code Administrator  
1800 Sutter Street  
Suite: 570  
Concord, CA 94520

RE: Denial of BellSouth's Central Office Code ("NXX") Assignment Request.

Dear Ms. Dixon:

On November 1, 2001, BellSouth Petitioned the Tennessee Regulatory Authority ("TRA") for Expedited Review of Growth Code Denial by the North American Numbering Plan Administration ("NANPA"), Docket No. 01-00957. BellSouth specifically requested the overturn of NANPA's denial, and order the issue of one growth code ("NXX") for the Chattanooga rate center in the 423 NPA.

BellSouth stated they requested a growth code in the 423 NPA in response to a request received from a customer, the University of Tennessee, Chattanooga ("UTC"), as they did not have sufficient numbering resources available to meet the customer's needs. BellSouth's also stated that the Chattanooga Rate Center's Months to Exhaust ("MTE") calculation was 31.88 months.

The TRA Staff ("Staff") verified that the MTE requirement six months cannot be met. Staff also verified that the Chattanooga rate center is a multiple switch rate center, and that the MTE has to be calculated on a rate center level rather than at switch level. Staff is also satisfied with the validity of UTC's request. In that the 423 NPA has a projected exhaust date for the 4<sup>th</sup> Quarter of 2004, and the current demands in the 423 NPA is 2.5 NXXs per month, it is unlikely that the assignment of one (1) NXX will have a material effect on the projected exhaust of the 423 NPA.

On November 20, 2001, the Directors of the Tennessee Regulatory Authority approved BellSouth's petition, and ordered the NANPA to issue BellSouth one growth code in the 423 NPA. The TRA Order will be provided once it is administratively processed.

Sincerely,

A handwritten signature in black ink, appearing to read "K. David Waddell".

K. David Waddell  
Executive Secretary

CC: Brent Struthers, NeuStar  
Telephone (615) 741-2904, Toll-Free 1-800-342-8359, Facsimile (615) 741-8953  
[www.state.tn.us/tra](http://www.state.tn.us/tra)



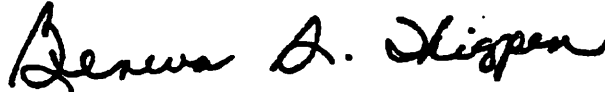
2. That the numbering resources assigned by BellSouth to Guilford County Government and Corning, Inc., shall be done in a sequential numbering manner to optimize these resources.

3. That these numbering resources shall be subject to reclamation if not used within the allowable reservation period according to industry guidelines.

ISSUED BY ORDER OF THE COMMISSION.

This the 10<sup>th</sup> day of April, 2001.

NORTH CAROLINA UTILITIES COMMISSION:

A handwritten signature in cursive script, reading "Geneva S. Thigpen".

Geneva S. Thigpen, Chief Clerk

040801.02

**WARNING:**

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# **BEFORE THE FLORIDA PUBLIC SERVICE**

## **COMMISSION**

In re: Petition for expedited review of North American Plan Administration's (NANPA) denial of application for use of central office code numbering resources or NXX codes in Orlando Magnolia switch by BellSouth Telecommunications, Inc.      DOCKET NO. 010309-TL  
ORDER NO. PSC-01-1146-PAA-TL  
ISSUED: May 21, 2001

**The following Commissioners participated in the disposition of this matter:**

E. LEON JACOBS, JR., Chairman J. TERRY DEASON LILA A. JABER BRAULIO L. BAEZ  
MICHAEL A. PALECKI

**NOTICE OF PROPOSED AGENCY ACTION ORDER DIRECTING NANPA TO PROVIDE BELL SOUTH WITH A GROWTH CODE FOR THE ORLDFLMADS1 SWITCH**

**BY THE COMMISSION:**

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, *Florida Administrative Code*.

• **BACKGROUND**

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On January 24, 2001, BellSouth Telecommunications, Inc. (BellSouth) submitted an application to the North American Numbering Plan Administrator (NANPA) for a central office (NXX) code for the ORLDFLMADS1 switch in the Orlando rate center. The code request was made to fulfill a request made by a specific customer who is in need of 2,500 consecutive Direct Inward Dialing (DID) numbers in an NXX with a four as the last digit (NX4).

The Orlando rate center consists of six central offices and seven switches [(Azalea Park (ORLDFLAPDS0), Colonial (ORLDFLCLDS0), Magnolia (ORLDFLMADS1 and ORLDFLMA42E), Pinecastle (ORLDFLPCDS0), Pinehills (ORLDFLMADS0), and Sand Lake (ORLDFLSADS0)]. On February 6, 2001, NANPA denied BellSouth's request for a NXX code for the ORLDFLMADS1 switch because BellSouth had not met the rate center months-to-exhaust (MTE) criteria currently required to obtain a growth code. On March 9, 2001, BellSouth filed a petition for expedited review of NANPA's denial of its application.

We are vested with jurisdiction pursuant to Sections 364.01 and 364.16(4), *Florida Statutes*, and 47

U.S.C. §151, and 47 C.F.R. §52.15(g)(3)(iv).

## ANALYSIS

As mentioned above, BellSouth submitted an application to the NANPA for a NXX code for the ORLFLMADS1 switch in the Orlando rate center and was denied because BellSouth had not met the rate center MTE criteria currently required to obtain a growth code. Subsequently, BellSouth submitted a Petition to us for expedite review of NANPA denial of its application. In its prayer for relief, BellSouth requests us to review NANPA's denial and direct NANPA to release a growth code for the ORLFLMADS1 switch in the Orlando rate center.

Prior to March 31, 2000, carriers submitting an application for a growth code had to certify that existing codes associated with that switch, Point of Interface (POI), or rate center would exhaust within 12 months. In jeopardy Numbering Plan Areas (NPAs), applicants seeking a growth code had to certify that existing NXX codes would exhaust within six months.

Pursuant to Order No. FCC 00-104<sup>1</sup> applicants must now show the MTE criteria by rate center instead of by switch, and have no more than a six-month inventory of telephone numbers. Pursuant to 47 C.F.R. § 52.15(g)(3)(iii):

All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

We believe that the new MTE criteria creates a disadvantage for carriers with multiple switch rate centers because it is now based on rate centers, rather than switches. One switch in a multiple-switch rate center may be near exhaust while the average MTE for the rate center is above six months, thus preventing a carrier from obtaining a growth code for the switch near exhaust. For example, at the time of the NANPA denial of BellSouth's code request, the Orlando rate center MTE was 14.74 months with a 76.7% utilization level, while the MTE for the Magnolia-ORLDFLMADS1 switch was four months. BellSouth has stated that "Months-to-Exhaust criteria on a per rate center basis establishes a requirement that is difficult, and in some cases, impossible to meet."

We conclude that the code denial also poses a possible barrier to competition. A customer desiring service from BellSouth may have to turn to another carrier simply because BellSouth cannot meet the MTE rate center requirement. Another carrier who may have just one switch in the rate center, would have an advantage and may be able to obtain a growth code to provide the service. In Order No. DA 01-386<sup>2</sup>, the FCC stated:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of <sup>1</sup>Report and Order, CC Docket No. 99-200, In the Matter of Number Resource Optimization, Order No. FCC 00-104 (March 31, 2000) <sup>2</sup>DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (February 14, 2001) their choice for want of numbering resources.

FCC No. DA 01-386 at ¶11.

We find that another dilemma created with the new MTE rate center criteria is rate center consolidation. The FCC promotes rate center consolidation as a number conservation measure, and encourages states to consolidate rate centers wherever possible. The problem arises when you attempt to consolidate small rate centers which may have one switch and end up with one rate center with multiple switches. In Order No. FCC 00-429<sup>3</sup>, the FCC states:

Some ILECs suggest, however, that the utilization threshold should be calculated on a per-switch basis in rate centers that have multiple switches, particularly where they have not

In evaluating BellSouth's petition, we have utilized the following factors and concluded that:

- 1) BellSouth has demonstrated that it has a customer in need of numbering resources;
- 2) BellSouth has shown that it is unable to provide services to a potential customer because of NANPA's denial of the NXX code;
- 3) There are potential competitive concerns because of the NANPA code denial since the potential customer cannot choose the provider of his choice; and,
- 4) There would be minimal impact to the 407 NPA by releasing a new growth code.

#### CONCLUSION

Based on the foregoing, we find it appropriate to overturn NANPA's decision to deny a growth code, and direct NANPA to provide BellSouth with a growth code for the ORLDFLMADS1 switch as soon as possible. We also find that once the specific customer needs are met, BellSouth shall keep as many of the remaining blocks as possible in the new NXX uncontaminated for future number pooling.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that North American Numbering Plan Administrator shall provide BellSouth Telecommunications, Inc. with a growth code for the ORLDFLMADS1 switch in the Orlando rate center as soon as possible. It is further

ORDERED that BellSouth Telecommunications, Inc. shall maintain as many of the remaining blocks as possible in the new NXX uncontaminated for future number pooling once the specific customer needs are met. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, *Florida Administrative Code*, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of May, 2001.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: /s/ Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

*This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.*

( S E A L )  
PAC

#### NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), *Florida Statutes*, to notify parties of any administrative hearing that is available under Section 120.57, *Florida Statutes*, as well as

the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, *Florida Administrative Code*. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 11, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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**MCKENZIE**

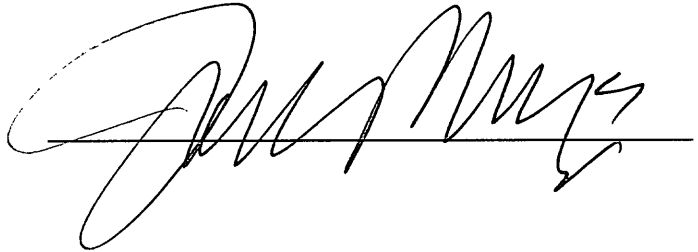
<b>NPA-NXX</b>	<b>X</b>	<b>Working Numbers</b>	<b>Utilization</b>
731-352	0	672	67.20%
731-352	1	549	54.90%
731-352	2	725	72.50%
731-352	3	742	74.20%
731-352	4	690	69.00%
731-352	5	705	70.50%
731-352	6	437	43.70%
731-352	7	646	64.60%
731-352	8	207	20.70%
731-352	9	643	64.30%
Total		6,016	60.16%

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2003, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☐ U.S. Mail
- ☐ Facsimile
- ☐ Overnight Mail
- ☐ Electronic Mail

Ms. Cheryl Dixon  
Senior Code Administrator  
Number Pooling Administrator  
1800 Sutter Street, Suite 570  
Concord, California 94520

A handwritten signature in black ink, appearing to read "Cheryl Dixon", is written over a horizontal line.